IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 698 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE H.B.ANTANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment?

2 To be referred to the Reporter or not?

3 Whether Their Lordships wish to see the fair copy of the judgment?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?

5 Whether it is to be circulated to the Civil Judge?

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CHANDRAKANTI SINHA AND ANOTHER - Applicants
Versus
STATE OF GUJARAT AND ANOTHER - Respondents

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Appearance :

MR S V RAJU WITH MR S C OZA for Applicants.
MS NANDINI JOSHI, ADDITIONAL PUBLIC PROSECUTOR for Respondent No. 1.
MR NIGAM R SHUKLA for Respondent No. 2.

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CORAM : HONOURABLE MR.JUSTICE H.B.ANTANI

Date : 04/05/2006

ORAL JUDGMENT

1. Heard Mr. S. V. Raju, learned Advocate for the applicants, Ms. Nandini Joshi, learned Additional Public Prosecutor for respondent No. 1 and Mr. Nigam R. Shukla,

learned Advocate for respondent No. 3 – Central Bureau of Investigation.

2. The present application is preferred under Section 397 read with Section 401 seeking return of *muddamal* articles and release of the frozen bank accounts, the details of which are produced at Annexure 'B' to the application, in connection with the FIR bearing No. R. C. NO. 2 (A)/ 2005 / GNR registered with the CBI Office at Gandhinagar.

3. Mr. Nigam Shukla, learned Advocate on behalf of respondent No. 2-CBI, states that the items at Sr. Nos. 19, 20 and 21 mentioned in the affidavit-in-reply of the CBI can be released by respondent No. 2 which, respectively, are: (i) Closing Credit Balance in A/c No. 17687 of Smt. Chandrakanti Sinha in PNB, Patna for Rs. 4,15,00/-; (ii) Closing Credit Balance in A/c No. 9399 of Smt. Chandrakanti Sinha in SBI, SK Puri Branch, Patna for Rs. 83,000/-; and (iii) Closing Credit Balance in A/c No. 15906 at SBI, Boring Road Branch, Patna for Rs. 70,000/-. So far as the rest of the items are concerned, since the investigation is pending, the same cannot be released. However, while releasing the aforesaid amount, the

respondent NO. 2 is directed to complete the investigation into the mater as expeditiously as possible and preferably by 31st August, 2006. The learned Advocate representing the applicants shall have the liberty to make an appropriate application before the learned Special Judge, CBI Cases, at Ahmedabad for this purpose, who shall decide it without being influenced by the order passed in this Revision Application.

4. With these observations, the present Revision Application is disposed of accordingly. Notice discharged. Direct Service is permitted.

[H. B. ANTANI, J.]

/shamnath